

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jan 10, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MICHAEL A.D. BORASH,

Plaintiff,

-vs-

ROBERT LUNA, RON GANGLER,  
CARLOINE MUTUA, and PAUL  
NAGLE-McNAUGHTON,

Defendants.

No. 2:22-CV-3035-JAG

ORDER DISMISSING CASE  
WITHOUT PREJUDICE

Plaintiff filed a complaint on March 14, 2022, alleging constitutional violations perpetrated by employees of Yakima Competency Restoration Center. The Court authorized Plaintiff to proceed in forma pauperis. After that, no further action has been taken place in the case. Pursuant to Federal Rule of Civil Procedure 4(m):

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

Fed. R. Civ. P. 4(m). Here, service should have been completed by June 14, 2022. The Court issued an Order to Show Cause to explain why the case should not be dismissed. ECF No. 7. Plaintiff has neither completed service, nor responded to the Court's order by the deadline set forth in the Order.

1 Accordingly, **IT IS HEREBY ORDERED** the case is **DISMISSED**  
2 **without prejudice.**

3 The District Court Executive is directed to file this Order, provide copies to  
4 *pro se* Plaintiff, and **CLOSE** this file.

5 DATED January 10, 2023.



  
JAMES A. GOEKE  
UNITED STATES MAGISTRATE JUDGE